

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHELLE AGUILAR,
Plaintiff,

v.

HUBBELL LENOIR CITY, Inc.,
Defendant.

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No. 3:09-cv-406
(Phillips/Guyton)

ORDER

This retaliatory discharge action is before the court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton. [Doc. 39]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's recommendation that the Defendant's Motion for Summary Judgment [Doc. 36] be **GRANTED IN PART** and **DENIED IN PART**. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the Defendant's request for

summary judgment on its counterclaims for breach of contract is **GRANTED**, whereby the Defendant is awarded a sum of \$116,555.06, representing \$114,761.06 in damages for breach of contract, plus \$1,794.00 in previously ordered discovery sanctions. [See Doc. 29]. It is also **ORDERED** that Defendant's requests for pre-judgment and post-judgment interest, and for summary judgment on Defendant's counterclaims for conversion and breach of the implied covenants of good faith and fair dealing, are **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge